

REMARKS AND ARGUMENTS

Attached please find the executed and notarized Statutory Declarations by Tim Osterholm and Michael Drake. As indicated in the attached Declarations, Michael Drake declares that the products sold by Noni-Now.com and Morinda, Inc. are products manufactured by Morinda, Inc., and that the invention claimed and disclosed in the above-referenced application was conceived and reduced to practice prior to the referenced Noni-Now.com and Morinda products being manufactured and sold by Morinda, Inc. or by Noni-Now.com as evidenced by the contents of Exhibit "A" attached to Michael Drake's Declaration, which contains the final approval for manufacture of the referenced product.

Additionally, as indicated in the attached Declaration, Tim Osterholm declares that the products sold on his web site, Noni-Now.com at the time of the publication of the cited reference are the products manufactured by the Applicant. Additionally, Tim declares that the e-mail attached as Exhibit "B" contains inaccurate information. Specifically, the lip balm in question was not sold or otherwise made available to the public in 1999.

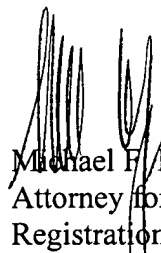
Applicant respectfully submits that the executed and attached declarations supplement the response mailed to the United States Patent and Trademark Office January 20, 2006 from our office. Applicant submits that the claims of the present invention are not rendered obvious by Noni-Now and/or the Morinda, Inc. cited alone or in combination with other references because they do not teach or suggest every element of the present claims.

CONCLUSION

Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 10 day of February, 2006.

Respectfully submitted,



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